IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 23922 of 2004

Between:

Manoj Glass Agencies, Rep. by Mohan G.Patel,
S/o. Goerdhan Patel, R/o.1-7-145/C/5, Musheerabad, Hyderabad.

..... PETITIONER

AND

The Secretary, Regional Transport Authority, Central Zone, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not entertaining the application of the petitioner dt.17.11.2004 for termination of Hypothecation endorsement in Registration Certificate of the petitioner vehicle bearing Registration No.AP 9 G 4766 as illegal arbitrary and unconstitutional and consequently direct the respondent to entertain and consider the application of the petitioner dt.17.11.2004 for termination of hypothecation endorsement in Registration Certificate of the Petitioner's vehicle bearing Registration No.AP 9 G 4766 basing on the letter dt.4.7.1997 issued by the D.C.L. Finance Ltd., and to pass such other order or orders.

Counsel for the Petitioner: MR.B.CHANDRA SHEKHAR

Counsel for the Respondent: GP FOR TRANSPORT

The Court at the stage of admission made the following:

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 23922 of 2004

ORDER:

Challenging the action of the respondent in not entertaining the application of the petitioner, dated 17.11.2004, for termination of hypothecation endorsement in Registration certificate of the petitioner vehicle bearing No.AP 9 G 4766, the present writ petition is filed.

2. The learned counsel for the petitioner contended that the writ petitioner paid all the instalments due to the financier and obtained no objection certificate from the financier and made an application to the respondent for deleting the endorsement of hypothecation, but no orders have been passed.

3. The learned Government Pleader for Transport appearing for the respondent contended that the respondent shall consider the application of the petitioner subject to production of all the relevant documents, in accordance with law.

4. The points whether the petitioner paid all the instalments due to the financier and whether the endorsement of hypothecation has to be terminated or removed from registration certificate are required to be decided by the respondent in accordance with the provisions of the Motor Vehicles Act.

5. Therefore, a direction is given to the respondent to entertain the application of the petitioner, dated 17.11.2004, and take appropriate decision in accordance with law, within a period of one month, from the date of receipt of a copy of this order.

6. Accordingly, the writ petition is disposed of. No order as to costs.

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K.C.BHANU, J

22nd December, 2004

Note:

Furnish C.C. by two days.

B/o.

SKM

To

1. The Secretary, Regional Transport Authority, Central

Zone, Hyderabad.

2. Two CCs to G.P. for Transport, High Court Buildings,

High Court of A.P., Hyderabad. (OUT)

3. Two C.D. copies